KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೧	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮೇ ೧೧, ೨೦೦೬ (ವೈಶಾಖ ೨೧, ಶಕ ವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೧೯

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 13 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ಮಾರ್ಚ್ 2006

2005ನೇ ಸಾಲಿನ ಜನವರಿ 12ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Criminal Law (Amendment) Act, 2005 (No.2 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CRIMINAL LAW (AMENDMENT) ACT 2005

AN

ACT

further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Criminal Law (Amendment) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENT TO THE INDIAN PENAL CODE

2. Insertion of new section 195A- After section 195 of the Indian Penal Code, (45 of 1980) the following section shall be inserted, namely:-

"195A. Threatening any person to give false evidence.- Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;

and if innocent person is convicted and sentenced in consequence of such false evidence, with death or imprisonment for more than seven years, the person who threatens shall be punished with

the same punishment and setence in the same manner and to the same extent such innocent person is punished and sentenced.".

CHAPTER III
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

3. Amendment of section 195.- In section 195 of the Code of Criminal Procedure, 1973 (2 of 1974) (hereafter in this Chapter referred to as the Code of Criminal Procedure), in sub-section (1), for the words "except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate", the words "excet n the complaint in writing of that Court or by such officer f the Court as that Court may authorise in writing in this behalf, or of some other Court of which that Court is subordinate" shall be substituted.

4. Insertion of New Chapter XXIA.- After Chater XXI of the Code of Criminal Procedure, the following Chapter shall be inserted, namely:-

'CHAPTER XXIA
PLEA BARGAINING

265A. Application of the Chapter.- (1) This Chapter shall apply in respect of an accused against whom-

(a) the report has been forwarded by the officer in charge of the police station under section 173 alleging therein that an offence appears to have been committed by him other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years has been provided under the law for the time being in force; or

(b) a Magistrate has taken cognizance of an offence on complaint, other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years, has been provided under the law for the time being in force, and after examining complainant and witnesses under sectioon 200, issued the process under section 204,

but does not apply where such offence affects the socio-economic condition of the country or has been committed against a woman, or a child below the age of fourteen years.

(2) For the purposes of sub-section (1), the Central Government shall, by notification, determine the offences under the law for the time being in force which shall be the offences affecting the socio-economic condition of the country.

265B. Application for plea bargaining.- (1) A person accused of an offence may file an application for plea bargaining in the Court in which such offence is pending for trial.

(2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in a case in which he had been charged with the same offence.

(3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case, as the case may be, and to the accused to appear on the date fixed for the case.

(4) When the Public Prosecutor or the complainant of the case, as the case may be, and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where-

(a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time to the Public Prosecutor or the complainant of the case, as the case may be, and the accused to work out a mutually satiasfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

(b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Code from the stage such application has been filed under sub-section (I).

265C. Guidelines for mutually satisfactory disposition. In working out a mutually satisfactory disposition under clause (a) of sub-section (4) of section 265B, the Court shall follow the following procedure, namely:-

(a) in a case instituted on a police report, the Court shall issue notice to the Public Prosecutor, the police officer who has investigated the case, the accused and the victim of the case to participate in the meeting to work out a satisfactory disposition of the case:

Provided that throughout such process of working out a satisfactory disposition of the case, it shall be the duty of the Court to ensure that the entire process is completed voluntarily by the parties articipating in the meeting:

Provided further that the accused may, if he so desires, participate in such meeting with his pleader, if any, engaged in the case;

(b) in a case instituted otherwise than on police report, the Court shall issue notice to the accused and the victim of the case to participate in a meeting to work out a satisfactory disposition of the case:

Provided that it shall be the duty of the Court to ensere, throughout such process of working out a satisfactory disposition of the case, that it is completed voluntarily by the parties participating in the meeting:

Provided further that if the victim of the case or the accused, as the case may be, so desires, he may participate in such meeting with his pleader engaged in the case.

265D. Report of the mutually satisfactory disposition to be submitted before the Court.- Where in a meeting under section 265C, satisfactory disposition of the case has been worked out, the Court shall prepare a report of such disposition which shall be signed by the presiding officer of the Court and all other persons who articipated in the meeting and if no such disposition has been workd out, the Court shall record such observation and proceed further in accodance with the provisions of this Code from the stage the application under sub-section (1) of section 265B has been filed in such case.

265E. Disposal of the case.- Where a satisfactory disposition of the case has been worked out under section 265D, the Court shall dispose of the case in the following manner, namely:-

(a) the Court shall award the compensation to the victim in accodance with the disposition under section 265D and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct or after admonition under section 360 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force and follow the procedure specified in the suceeding clauses for imposing the punishment on the accused;

(b) after hearing the parties under clause (a), if the Court is of the view that section 360 or the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force are attracted in the case of the accused, it may release the accused on probation or provide the benefit of any such law, as the case may be;

(c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may entence the accused to half of such minimum punishment;

(d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable, as the case may be, for such offence.

265F: Judgement of the Court: The Court shall deliver its judgement in terms of section 265E in the open Court and the same shall be signed by the presiding officer of the Court.

265G: Finality of the judgement: The judgement delivered by the Court under section 265Gshall be final and no appeal (except the special leave petition under article 136 and writ petition under articlae 226 and 227 of the Constitution) shall lie in any Court against such judgement.

265H: Power of the Court in plea bargaining: A Court shall have, for the purpose of discharging its functions under this Chapter, all the powers vested in respect of bail, trial of offences and other matters relating to the disposal of a case in such Court under this Code.

265-I: Period of detention undergone by the accused to be set off against the sentence of imprisonment: The provisions of section 428 shall apply, for setting off the period of detention undergone by the accused against the sentence of imprisonment imposed under this Chapter, in the same manner as they apply in respect of the imprisonment under other peovisions of this Code.

265J: Savings: The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other provisions of this Code and provision of this Chapter.

Explanation: For the purposes of this Chapter, the expression "Public Prosecutor" has the meaning assigned to it under clause (u) of section 2 and includes an Assistant Public Prosecutor appointed under section 25.

265K: Statements of accused not to be used: Notwithstanding anything contained in any law for the time being in force, the statements or facts stated by an accused in an application for plea bargaining filed under section 265B shall not be used for any other purpose except for the purpose of this Chapter.

265L: Nonapplication of the Chapter: Nothing in this Chapter shall apply to any juvenile or child as defined in clause (k) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)"

5. Amendment of section 292: In section 292 of the Code of Criminal Procedure,

(a) in sub-section (1), for the portion beginning with the words "gazetted officer" and ending with brackets and words "(including the officer of the Controller of Stamps and Stationery)" the following shall be substituted ,namely:

"officer of any Mint or of any Note Printing Press or of any Security Printing Press (including the officer of the Controller of Stamps and Stationery) or of any Forensic Department or Division of Forensic Science Laboratory or any Government Examiner of Questioned Documents or any State Examiner of Questioned Documents, as the case may be,"

(b) in sub-section (3), for the portion beginning with the words "except with" and ending with the words "as the case may be", the following shall be substituted, namely:

"except with the permission of the General Manager or any officer in charge of any Mint or of any Note printing press or of any Security printing press or of any Forensic Depatrment or any officer in charge of the Forensic Science Laboratory or of the Government Examiner of Questioned Documents Organisation or of the State Examiner of Questioned Documents Organisation , as the case may be."

6. Amendment of section 340: In section 340 of the Code of Criminal Procedure, in sub-section (3), for clause (b), the following clause shall be substituted, namely:

"(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf."

7. Amendnment of the First Schedule: In the first Schedule to the Code of Criminal Procedure, under the heading "I- OFFNCES UNDER THE INDIAN PENAL CODES",

(A) after the entries relating to section 195, the following entries shall be inserted, namely:

1	2	3	4	5	6
"195A	threatening any person to give false evidence.	Imprisonment for 7 years, or fine, or both.	Cognizable	Non-bailable	Court by which offence of giving false evidence is triable.
	If innocent person is convicted and sentenced in consequence of false evidence with death, or imprisonment for more than seven years.	The same as for the offence.	Ditto	Ditto	Ditto

(b) in the 4th column, in the entry relating to section 196, for the word "Ditto", the word "Non-cognizable" shall substituted'.

8. Ommission of section 25 of Act 25 of 2005: Section 25 of the Code of Criminal Procedure (Amendment) Act, 2005 shall be omitted.

CHPTER IV
AMENDMENT TO THE INDIAN EVIDNCE ACT, 1872

9. Amendment of section 154 of Act 1 of 1872: In the Indian Evidence Act, 1872, section 154 shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:

" (2) Nothing in this section shall disentitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness."

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 30

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 37 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 1ನೇ ಏಪ್ರಿಲ್ 2006

2005ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 26ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O.1810 (E) [Notification No. F.No.S-32012/05/WC ದಿನಾಂಕ:26.12.2005 ಹಾಗೂ S.O.1811 (E) [Notification No. F.No.S-32012/3/05/WC ದಿನಾಂಕ:26.12.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LABOUR AND EMPLOYMENT
NOTIFICATION New Delhi, the 26th December, 2005

S.O.1810 (E): In exercise of powers conferred by sub section (1)section 19 of the Minimum of wages Act, 1948 (11of 1948) and in super session of the notification of the Govrnment of India, in the Ministry of Labour No. S.O. No. 192 (E), dated the 6th March, 1990 the Central Government hereby appoints the officers mentioned in column (2) of the Table below to be Inspectors for the purpose of the said Act in the area specified against them in column (3) thereof, namely:

TABLE

Sl. No.	Officers	Jurisdiction
1.	Chief Labour Commissioner (Central), Chief Adviser (Labour Welfare), Dy. Chief Labour Commissioners (Central) Assistant Labour Commissioners, Labour Enforcement Officers (Central), all posted at Chief Labour Commissioner (Central) Office, Head quarter, New Delhi. All Other Dy. Chief Labour Commissioners (Central)	The Whole of India The Whole of India
2.	All Assistant Labour Commissioners (Central) in the Ahmedabad region and all Labour Enforcement Officers (Central) in the Ahmedabad region.	The State of Gujarat and Union Territories of Dadra, Nagar and Haveli and Daman and Diu.
3.	All Assistant Labour Commssioners (Central) in the Ajmer region and all Labour Enforcement Officers (Central) in the Ajmer region.	The State of Rajasthan.
4.	All Assistant Labour Commissioners (Central) in the Asansol region and all Labour Enforcement Officers (Central) in the Asansol region.	The Civil Districts of Burdwan Birbhum, Bankura and Purulia in the State of West Bengal.
5.	All Assistant Labour Commissioners (Central) in the Kolkatta region and all Labour Enforcement Officers (Central) in the Kolkatta region.	The State of West Bengal (excluding the Civil Districts of Burdwan, Birbhum, Bankura and Purulia) The State of Sikkim and the Union Territories of Andaman and Nicobar Islands.
6.	All Assistant Labour Commissioners (Central) in the Bangalore region and all Labour Enforcement Officers (Central) in the Bangalore region.	The State of Karnataka.
7.	All Assistant Labour Commissioners (Central) in the Bhuvaneswar region and all Labour Enforcement Officers (Central) in the Bhuvaneswar region	The State of Orissa
8.	All Assistant Labour Commissioners (Central) in the Mumbai region and all Labour Enforcement Officers (Central) in the Mumbai region.	(i) The State of Maharashtra excluding the following Civil Districts : Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur, Bid, Hingoli and Wasim. (ii) State of Goa.
9.	All Assistant Labour Commissioners (Central) in the Nagpur region and all Labour Enforcement Officers (Central) in the Nagpur region.	(i) The followingCivil Districts of the state of Maharashtra: Nagpur, Bhandara Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur, Bid, Hingoli and Wasim,
10.	All Assistant Labour Commissioners (Central) in the Cochin region and all Labour Enforcement Officers (Central) in the Cochin region.	(i) The State of Kerla (ii) The Union Territory of Lakshdweep. (iii) Mahe in the Union Territory of Pondicherry.

Sl. No.	Officers	Jurisdiction
11.	All Assistant Labour Commissioners (Central) in the Chandigarh region and all Labour Enforcement Officers (Central) in the Chandigrh region	(i) The State of Himachal Pradesh. (ii) The State of Haryana. (iii) The State of Punjab. (iv) The State of Jammu and Kashmir. (v) The Union Territory of Chandigarh
12.	All Assistant Labour Commissioners (Central) in the Dhanbad region and all Labour Enforcement Officers (Central) in the Dhanbad region	The following Civil Districts of the Jharkhand, Dhanbad, Bokaro, Hazaribagh, Kodarma, Ranchi, Lohardaga, Gumla, Simdega, Chatra, East Singhbhum, West Singhbhum, Giridih, Deoghar, Sarai Keala (Kharsawa) and Jamtara.
13.	All Assistant Labour Commissioners (Central) in the Guwahati region and all Labour Enforcement Officers (Central) in the Guwahati region	The State of Assam, Nagaland, Meghalaya, Tripura, Manipur, Arunschal Pradesh and Mizoram
14.	All Assistant Labour Commissioners (Central) in the Hyderabad region and all Labour Enforcement Officers (Central) in the Hyderabad region	The State of Andhra Pradesh and the area of Yanam and Mahe in the Union Territory of Pondicherry.
15.	All Assistant Labour Commissioners (Central) in the Jabalpur region and all Labour Enforcement Officers (Central) in the Jabalpur region	The State of Madhya Pradesh
16.	All Assistant Labour Commissioners (Central) in the Kanpur region and all Labour Enforcement Officers (Central) in the Kanpur region	The State of Uttar Pradesh excluding the Civil Districts of Saharanpur, Bijnor, Mecrut, Ghaziabad, Bulandshahar, Muzaffarnagar, Bareilly, Moradabad, Pilibhit, Shahjahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar.
17.	All Assistant Labour Commissioners (Central) in the Dehradun region and all Labour Enforcement Officers (Central) in the Dehradun region	State of Uttaranchal and Civil districts of Saharanpur, Bijnore, Meerut, Ghaziabad, Bulandshahar, Muzaffarnagar, Barcilly, Moradabad Pilibhit, Shahajahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar of the State of Uttar Pradesh.
18.	All Assistant Labour Commissioners (Central) in the Chennai region and all Labour Enforcement Officers (Central) in the Chennai region	The State of Tamil Nadu and the Union Territory of Pondicherry (except Yanam and Mahe).
19.	All Assistant Labour Commissioners (Central) in the Delhi region and all Labour Enforcement Officers (Central) in the Delhi region	National Capital Territory of Delhi
20.	All Assistant Labour Commissioners (Central) in the Patna region and all Labour Enforcement Officers (Central) in the Patna region	The State of Bihar and the Civil Districts Garwah, Palamu, Latchar, Dumka, Godda, Sahibganj and Pakur in the State of Jharkhand.
21.	All Assistant Labour Commissioners (Central) in the Raipur region and all Labour Enforcement Officers (Central) in the Raipur region	The State of Chattisgarh

[F,No.S-32012/3/05-WC]

ASHOK SAHU, Economic Adviser

NOTIFICATION New Delhi, the 26th December, 2005

S.O.1811 (E): In exercise of powers conferred by section (1) section 20 of the Minimum of wages Act, 1948 (11of 1948) and in supersession of the notification of the Govrnment of India, in the Ministry of Labour No.S.O. No. 193 (E), dated the 6th March, 1990 the Central Government hereby appoints the officers mentioned in column (2) of the Table below to be the Authority to hear and decide all claims arising out of payment of less than the minimum rates of wages or in respeet of the payment of

remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14 to the employees employed and engaged in the scheduled employments in relation to which the Central Government is the appropriate Government, in the area specified against them in column (3) thereof, namely:

TABLE

Sl. No.	Officers	Jurisdiction
1.	Regional Labour Commissioners (Central) in Head Quarters, Office of Chief Labour Commissioner (Central), New Delhi.	The Whole of India
2.	Regional Labour Commissioners (Central) in Ahmedabad.	The State of Gujarat and Union Territories of Dadra, Nagar and Haveli and Daman and Diu.
3.	Regional Labour Commissioners (Central) in Ajmer and Regional Labour Commissioner (Central), Jaipur.	The State of Rajasthan
4.	Regional Labour Commissioners (Central) in Asansol	The Civil Districts of Burdwan, Birbhum Bankura And Purulia in the State of West Bengal
5.	Regional Labour Commissioners (Central) in Kolkatta	The State of West Bengal (excluding the Civil Districts of Burdwan, Birbhum, Bankura and Purulia) The State of Sikkim and the Union Territoy of Andaman and Nicobar Islands.
6.	Regional Labour Commissioners (Central) Bangalore and Regional Labour Commissioner (Central), Bellary	The State of Karnataka
7.	Regional Labour Commissioners (Central) Bhuvaneswar and Regional Labour Commissioner (Central), Rourkela	The State of Orissa
8.	Regional Labour Commissioners (Central) Mumbai and Regional Labour Commissioner (Central), Pune.	(i) The State of Maharashtra excluding the followingCivil Districts : Nagpur, Bhandara Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur, Bid, Hingoli and Wasim (ii) State of Goa
9.	Regional Labour Commissioners (Central) in Nagpur.	(i) the following Civil Districts of the State of Maharashtra: Nagpur, Bhandara Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur, Bid, Hingoli and Wasim
10.	Regional Labour Commissioners (Central) in Cochin	(i) The State of Kerla (ii) The Union Territory of Lakshdweep. (iii) Mahe in the Union Territory of Pondicherry.
11.	Regional Labour Commissioners (Central) in Chandigarh	(i) The State of Himachal Pradesh. (ii) The State of Haryana. (iii) The State of Punjab. (iv) The State of Jammu and Kashmir. (v) The Union Territory of Chandigar
12.	Regional Labour Commissioners (Central) in Dhanbad.	The following Civil Districts of the Jharkhand, Dhanbad, Bokaro, Hazaribagh, Kodarma, Ranchi, Lohardaga, Gumla, Simdega, Chatra, East Singhbhum, West Singhbhum, Giridih, Deoghar, Sarai Keala (Kharsawa) and Jamtara
13.	Regional Labour Commissioners (Central) in Guwahati.	The State of Assam, Nagaland, Meghalaya, Tripura, Manipur, Arunschal Pradesh and Mizoram
14.	Regional Labour Commissioners (Central) in Hyderabad.	The State of Andhra Pradesh and the area of Yanam and Mahe in the Union Territory of Pondicherry.
15.	Regional Labour Commissioners (Central) Jabalpur and Regional Labour Commissioner (Central), Bhopal.	The State of Madhya Pradesh

Sl. No.	Officers	Jurisdiction
16.	Regional Labour Commissioners (Central) Kanpur and Regional Labour Commissioner (Central), Lucknow	The State of Uttar Pradesh excluding the Civil Districts of Saharanpur, Bijnor, Mecrut, Ghaziabad, Bulandshahar, Muzaffarnagar, Barecilly, Moradabad, Pilibhit, Shahjahanpur, Badaun, Bagpat and Gautam Budh Nagar.
17.	Regional Labour Commissioners (Central) in Dehradum	State of Uttaranchal and Civil districts of Saharanpur, Bijnore, Meerut, Ghaziabad, Bulandshahar, Muzaffarnagar, Barcilly, Moradabad Pilibhit, Shahajahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar of the State of Uttar Pradesh.
18.	Regional Labour Commissioners (Central) in Chennai	The State of Tamil Nadu and the Union Territory of Pondicherry (except Yanam and Mahe).
19.	Regional Labour Commissioners (Central) in New Delhi	N.C.T. of Delhi
20.	Regional Labour Commissioners (Central) in Patna	The State of Bihar and the Civil Districts Garwah, Palamu, Latchar, Dumka, Godda, Sahibganj and Pakur in the State of Jharkhand.
21.	Regional Labour Commissioners (Central) in Raipur	The State of Chattisgarh

[F,No.S-32012/3/05-WC]

ASHOK SAHU, Economic Adviser

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 40

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 9 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25ನೇ ಮಾರ್ಚ್ 2006

2006ನೇ ಸಾಲಿನ ಜನವರಿ 12ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-I ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Andhra Pradesh Legislative Council Act, 2005 (Act No.1 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE ANDHRA PRADESH LEGISLATIVE COUNCIL ACT, 2005
(AS PASSED BY THE HOUSE OF PARLIAMENT)
AN
ACT

to provide for the creation of Legislative Councli for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title : This Act may be called the Andhra Pradesh Legislative Council Act, 2005

2. Definitions: In this Act, unless the context otherwise requires, each of the words and expression used herein and not defined but defined in the Representation of the people Act, 1950, (43 of 1950) shall have the same meaning as in that Act.

3. Creation of Legislative Council for Andhra Pradesh: (1) As from such date as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168, after the words "States of", the words "Andhra Pradesh", shall be inserted.

(2) In the said Council, there shall be 90 seats of which

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clause (a), (b) and (c) of clause (3) of article 171 shall be 31,8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 31; and

(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions sub-caluse (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order, determine

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clause (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provision of this Act, the Representation of the people Act, 1950 (43 of 1950) and the Representation of People Act, 1951 (43 of 1951).

4. Amendment of Third Schedule and Fourth Schedule of Act (43 of 1950): In the Representation of the people Act, 1950,

(a) in the Third Schedule, before entry no. 2 relating to Bihar, the following entry shall be inserted , namely:

" 1. Andhra Pradesh 90 31 8 8 31 12",

(b) in the Fourth Schedule, before the heading "BIHAR", the following heading and entries shall be inserted, namely:

'ANDHRA PRADESH

1. Municipal Corporations.
2. Municipalities.
3. Nagar Panchayats.
4.Cantonment Boards.
5. Zila Praja Parishads.
6. Mandal Parishads",.

5. Amendment of section 15A of Act (43 of 1951): In section 15Aof the Representation of the people Act, 1951, for the words and figures " under the Legislative Councils Act, 1957",(37 of 1957). the words figures " under the Andhra Pradesh Legislative Council Act, 2005" shall be substituted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 31

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 12 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25ನೇ ಮಾರ್ಚ್ 2006

2006ನೇ ಸಾಲಿನ ಜನವರಿ 17ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-I ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Central Sales Tax (Amendment) Act, 2005 (No.3 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CENTRAL SALES TAX (AMENDMENT) ACT 2005

AN

ACT

further to amend the Central Sales Tax Act, 1956

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Central Sales Tax (Amendment) Act, 2005

(2) It shall come into force on such date as the Central Government may by notification in the official Gazette appoint.

2. Amendment of section 19.- In the Central Tax Act, 1956 (74 of 1956) (hereinafter referred to as the principal Act), in section 19, after sub-section (2), the following sub-section shall be inserted, namely:-

"(24) Notwithstanding anything contained in sub-section (2), the Chairman or a Member holding a post as such in the Authority for Advance Ruliongs appointed under clause (a) or clause (c), as the may be, of sub-section (2) of section 245-O of the Income-tax Act, 1961(43 of 1961) may, in addition to his being the Chairman or a Member of that Authority, be appointed as the Chairman or a Member, as the case may be, of the Authority under this Act".

3. Insertion of new section 19A: After section 19 of the principal Act, the following section shall be inserted namely.

"19A. Vacancies, etc., not to invalidate proceedings: No proceeding before the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Authority".

4. Substitution of new section for section 20: For section 20 of the principal Act, the following section shall be substituted, namely

20. Appeals: (1) The provision of this Chapter shall apply to appeals filed by any aggrieved person against any order of the highest appellate authority of a state, made under section 6A read with section 9.

Explanation: For the purposes of this section and sections 21,22 and 25 "highest appellate authority of a State" means any authority or tribunal or court (except the High Court) established or constituted under the general sales tax law of a state, by whatever name called.

(2) Not withstanding anything contained in the general sales tax law of a state, the Authority shall adjudicate an appeal filed under sub-section (1)

(3) An appeal under sub-section (1) may be filed within ninety days from the date on which the order referred to in that sub-section is served on any aggrieved person:

Provided that the Authority may entertain any appeal after the expiry of the said period of ninety days, but later than one hundred and fifty days from the date of such service, if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time:

Provided further that the Authority may entertain any appeal from an aggrieved person within sixxty days from the commencement of the Central Sales Tax (Amendment) Act, 2005, where such aggrieved person had the right to file an appeal against the order of the highest appellate authority of the State under sub-section (1) as it stood immediately before the commencement of the said Act, but has not availed of the right to file the appeal during the period commencing on and from the 3rd day of December,2001 and ending with the 16th day of March, 2005.

(4) The application shall be made in quadruplicate and be accompanied by a fee of five thousand rupees.

5. Amendment of section 21: In section 21 of the principal Act,

(i) in sub-section (2), for the words "assessing authority", the words "highest appellate authority" shall be substituted;

(ii) in sub-section (5), for the words "appellant and to the assessing authority", the words " appellant, assessing authority, respondent and highest appellate authority of the State Government concerned " shall be substituted.

6. Amendment of section 22: In section 22 of the principal Act, for sub-section (1A), the following sub-section shall be substituted, namely:

"(1A) The Authority may grant stay of the operation of the order of the highest appellate authority against which the appeal is filed before it or order the pre-deposit of the tax before entertaining the appeal and while granting such stay or making such order for the per-deposit of the tax the authority shall have regard, if the assessee has made pre-deposit of the tax under the general sales tax law of the State concerned, to such pre-deposit or pass such approprite order as it may deem fit".

7. Substitution of new section for section 25: For section 25 of the principal Act, the following section shall be substituted, namely:

"25. Transfer of pending proceedings. (1) On and from the commencement of the Central Sales Tax (Amendment) Act, 2005, all appeals (except appeals against orders of the highest appellate authority of the State) pending before the Authority notified under sub-section (1) of section 24 shall stand transferred togrther with the records thereof to the highest appellate authority of the concerned state.

(2) Such highest appellate authority of the State to which such appeal has been transferred under sub-section (1) on receipt of such records shall proceed to deal with such appeal so far as may be in the same manner as in the case of an appeal field before such highest appellate authority of the state according to the general sales tax law of the appropriate state, from the stage which was reached before such transfer or from any earlier stage or de novo as such highest appellate authority of the state may deem fit:

Provided that where the highest appellate authority finds that the appellant has not availed of the opportunity of filing first appeal before the appellate authority, such case shall be forwarded to such authority":

8. Amendment of section 26: In section 26 of the principal Act, the words "or Union territory" shall be omitted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 33

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 38 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18ನೇ ಏಪ್ರಿಲ್ 2006

2006ನೇ ಸಾಲಿನ 23.1.2006, 7.3.2006, 14.3.2006 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ ಅಧಿಸೂಚನೆಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMERCE AND INDUSTRY
(Department of Commerce)
Directorate General of foreign trade
NOTIFICATION New Delhi, the 23rd January, 2006
No. 41 (RE-2005/2004-2009

1. S.O. 73(E) Notification No. F.No. 01/92/180/20/AM-06/PC-II dt 23.1.2006.
2. S.O.289(E) Notification No.2-11025/64/2003-Emig dt.7.3.2006.
3. S.O. 291(E) Notification No. F.No.14017/2/2006-NI-III dt 7.3.2006.
4. S.O. 316 (E) Notification No. F.No.28012/10/2005-NREGA dt 14.3.2006.
5. S.O. 317 (E) Notification No. VI-24021/14/2005-PM-I dt 14.3.2006.

S.O. 73(E).- In exercise of powers conferred by Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992) read with paragraph 1.3 of the Foreign Trade Policy, 2004-2009, (as amended from time to time), the Central Government hereby makes the following amendments in Foreign Trade Policy, 2004-2009:-

1. At the end of Paragraph 4.1.6 the following sentence shall be added:-

"In case of spices (covered by chapter 9 of the ITC (HS) Classifications of Export and Import Items, 2004- 2009), the minimum value addition under avance license shall be 15%.

This issues in Public interest.

[F.No.01/92/180/20/AM.06/PC-II]
K.T. CHACKO, Director General of Foreign Trade
and Ex-Offico Addl. Secy.

MINISTRY OF OVERSEAS INDIAN AFFAIRS
(Office of Protector-General of Emigrants)
NOTIFICATION New Delhi, the 7th March, 2006

S.O. 289(E).- In partial modification of Notificaion No.Z-11025/64/2003-Emig. dated 14.10.2003, the Central Government hereby withdraws the exemption given from the operation of Section 22 of the Emigration Act, 1983 to every citizen of India going to Thailand with immediate effect.

[No.Z-11025/64/2003-Emig.]
R.K. SINGH, Protector General of Emigrants.

MINISTRY OF HOME AFFAIRS
NOTIFICATION New Delhi, the 7th March, 2006

S.O. 291(E).- In exercise of the powers conferred by Sub-section (1) of Section 5 of the Unlawful Ativities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby constitutes the "Unlawful ctivities (Prevention) Tribunal", consisting of Mr. Justice B.N. Chaturvedi, Judge of the High Court of Delhi, for the purpose of adjudicating whether or not there is suficient cause for declaring the Students Islamic Movement of India (SIMI) as unlawful association.

[F.No.14017/2/2006-NI-III]
B.A. COUTINHO, Jt.Secy.

MINISTRY OF RURAL DEVELOPMENT
(Department of Rural Deveopment)
NOTIFICATION New Delhi, the 14th March, 2006

S.O. 316(E).- In exercise of the powers conferred by sub-section (3) of Section 1 of the National Rural Employment Guarantee Act, 2005 (42 of 2005), the Central Government hereby appoints the 1st day of April, 2006, as the date on which the said Act shall come into force in the different areas in the State as specified in the Schedule given below:-

SCHEDULE

State	Areas n the States (Districts)
Meghalaya	South Garo Hills
	West Garo Hills

[F.No.28012/10/2005-NREGA]
AMITA SHARMA, Jt.Secy.

MINISTRY OF HOME AFFAIRS
NOTIFICATION New Delhi, the 14th March, 2006

S.O. 317(E).- In exercise of the powers conferred by sub-section (3) of Section 1 of the Private Security Agencies (Regulation) Act, 2005 (Act 29 of 2005), the Central Government hereby appointments the 15th day of March 2006, as the date on which the provisions of the said Act shall come into force.

[No.VI-24021/14/2005-PM-I]
HARMINDER RAJ SINGH, Jt.Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 41

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20ನೇ ಏಪ್ರಿಲ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 3ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O.278(E) [Notification No.F.No.S-32019/6/2003-WC(MW) ದಿನಾಂಕ 3.3.2006 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LABOUR AND EMPLOYMENT
NOTIFICATION New Delhi, the 3rd March, 2006

S.O. 278(E).- Whereas the draft relating to fix the minimum piece rate of wages and minimum guaranteed time rate of wages per day payable to the employees employed in the stone mines in the whole of India were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 17th November, 2005 as required by clause (b) of sub-section (i) of Section 5 of the Minimum Wages Act, 1948 (11 of 1948) under the notification of the Government of India in the Ministry of labour and Employment number S.O. 1620(E), dated the 17th November, 2005 for information of and inviting objections and suggestions from all persons likely to be effected thereby, till the expiry of the period of two months from the date on which copies f the Gazette of India cotaining the said notification were made available to the public.

And whereas copies of the said Gazette were made available to the public on the 17th November, 2005;

And whereas no objections or suggestions have been received by the Central Government from the public;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (iii) of sub-section 1 of section 4 and sub-section (2) section 5 of the foresaid Act, and in supersession of the notification number S.O.542 (E), dated the 1st August, 1997, exept as respect things one or omitted to be done before such super session, the Central Government as required under the proviso to the said section 5 hereby fixes the minimum rates of wages per day per employee as specified in column (6) of the Schedule annexed hereto, payable to the categories of employees mentioned against them in column (1) thereof, relating to the emloyment in the stone mines.

The revised minimum piece-rate wages and minimum guaranteed time-rate wages shall consist of basic rate of wages, Variable Dearness Alowance (VDA) s set out in column (3) and (4) respectively of the Table annexed to this notification and an addition of 5 percent of basic rate of wages and Variable Dearness Allowance (VDA) to make minimum wages as given in column (6) of the said Table payable to the classes of employees engaged in the work mentioned against them in column (2) thereof and a special allowance at the rate et out in column (7) of the said Table for minimum piece rate of wages. The Special allowance shall be adjusted by the Chief Labour Commissioner (Central) (CLC (C)), at the interval of every six months commencing on the day of 1st october and 1st April on the basis of the average onsumer price index number for industrial Workers (Base 1982=100) for preceding period of six months ending on the 30th June and the 31st December very year, respectively.

TABLE

S. No.	Nature of Piece work done by an employee	Basic Wage as revised in August 1997	Variable Dearness Allowance (VDA) (As revised by Chief Labour Commission er (entral) w.e.. 1.4.2005	Total (column 2+ column 3)	Proposed Basic Minimum Wage (Column 4+5%)	Rate and special allowance for every point rise of consumer Price Index Nuber beyond 522 for Industrial Workers (Base 1982=100)
1	2	3	4	5	6	7
1.	Excavation and Removal of over burden with 50 meters lead/1.5 meter lift*					
	(i) Soft Soil	Rs.65.00	Rs.33.60	Rs.98.60	Rs.103.53	Rs.0.20
	(ii) Soft Soil with rock	Rs.99.00	Rs.51.28	Rs.150.28	Rs.157.78	Rs.0.30
	(iii) Rock	Rs.131.00	Rs./67.19	Rs.198.9	Rs.208.09	Rs.0.40

1	2	3	4	5	6	7
2.	Removal and stacking of rejected stones with 50 meters lead/ 1 5 meters lift*	Rs. 52.00	Rs.26.52	Rs. 78.52	Rs. 82.44	Rs. 0.16
3.	Stones Breaking or Stone Crushing size of category**					
	(i) 1.0 to 1.5 inches (ii) Above 1.5 to 3.0 inches (iii) Above 3.0 to 5.00 inches (iv) Above 5.0 inches	Rs.407.00 Rs.349.00 Rs.203.00 Rs. 167.00	Rs.208.66 Rs.176.83 Rs.104.33 Rs. 84.88	Rs.615.66 Rs.525.83 Rs.307.33 Rs. 251.88	Rs.646.44 Rs.552.12 Rs.322.69 Rs. 264.47	Rs.1.24 Rs.1.06 Rs.0.62 Rs.0.51

* Per 2.831 cubic meters r 100 cubic feet

** Per truck load of 5.662 cubic meters or 200 cubic feet

Explanation:

1. The basic minimum piece-rate of wages re inclusive of wages payable for the weekly day of rest.
2. The minimum rates of wages are applicable to emloyees emloyed by the contractors also.
3. Where the prevailing rates of wages based on contract or agreement or otherwise are higher than the notified rates under the act, the higher rates should be protected and treated as the minimum rates of wages for the purpose of this notification.
4. The minimum guaranteed wage, namely the fall-back wage for all piece rated employees shall be as specified under column (6) of the TAble against each category of work.
5. The employer shall not make any deductions whatsoever from the afresaid piece-rate of wages on account of the cost of explosives, detonator removal of soil, dewatering charges etc The employer will supply material for blasting, drilling of holes nd dewatering facilities
6. The minimum rates of wages payable to disabled employees shall be the same as payable to workers of the appropriate category.
7. The above mentioned wages as set out in column (3) of the above Table are based on six monthly average of All India Consumer Price Index nmber 522 (base year 1982-100) for Industrial workers for the month ending December 2004.

[F.No.S-32019/6/2003-WC (MW)]

ASHOK SAHU, Economic Adviser

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 42

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 14 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ಮಾರ್ಚ್ 2006

2006ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 21ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Tax Tribunal Act, 2005 (No.49 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE NATIONAL TAX TRIBUNAL ACT, 2005
(As PASSED BY THE HOUSES OF PARLIAMENT)
AN
ACT

to provide for the adjudication by the National Tax Tribunal of disputes with respect to levy, assessment collection and enforcement of direct taxes and also to provide for the adjudication by that Tribunal of disputes with respect to the determination of rates of duties of customs and central excise on goods and the valuation of goods for the purposes of assessment of such duties as well as in matters relating to levy of tax on service, in pursuance of article 323 B of the Constitution and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement: (1) This Act may be called the National Tax Tribunal Act, 2005.

(2). It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dares may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions: In this Act, unless the context otherwise requires,

(a) "Bench" means a Bench of the National Tax Tribunal;

(b) "Board of Direct Taxes" means the Central Board of Direct Taxes constituted under the Central Boards of Revenue Act,1963; (54 of 1963).

(c) "Board of Excise and Customs" means the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963; (54 of 1963).

(d) "Central Excise Act" means the Central Excise Act, 1944; (1 of 1944)

(e) " Central Excise Tariff Act" means the Central Excise Tariff Act, 1985; (5 of 1986).

(f) " Chairperson" means the Chairperson of the National Tax Tribunal;

(g) "Companies (Profits) Surtax Act" means the Companies (Profits) Surtax Act, 1964; (7 of 1962)

(h) "Customs Act" means the Customs Act, 1962; (52 of 1962).

(i) "Customs, Excise and Service Tax Appellate Tribunal" means the Coustoms, Excise and Service Tax Appellate Tribunal constituted under section 129 of the Customs Act, 1962; (52 of 1962).

(j) "Customs Tariff Act" means the Customs Tariff Act, 1975; (51 of 1975).

(k) "Expenditure-tax Act" means the Expenditue-tax Act, 1987; (35 of 1987)

(l) "Gift-tax Act" means the Gift-tax Act, 1958; (18 of 1958)

(m) "Income-tax Act" means the Income-tax Act, 1961; (43 of 1961)

(n) "Income-tax Appellate Tribunal" means the Income-tax Appellate Tribunal constituted under section 252 of the Income-tax Act, 1961; (43 of 1961)

(o) "Interest-tax Act" means the Interest-tax Act, 1974; (45 of 1974)

(p) "law officer" means the Attorney-General for India, the Solicitor General of India or the Additional Solicitor General of India;

(q) "Member" means a Member of the National Tax Tribunal and includes the Chairperson;

(r) "National Tax Tribunal" means the National Tax Tribunal established under section 3;

(s) "notification" means a notification published in the Official Gazette;

(t) "prescribed" means prescribed by rules made under this Act;

(u) "Supreme Court" means the Supreme Court of India;

(v) "Wealth-tax Act" means the Wealth-tax Act, 1957; (27 of 1957)

(w) words and expressions used in this Act but not defined herein and defined in the Central Excise Act, the Central Excise Tariff Act, the Customs Act, the Customs Tariff Act (hereinafter referred to as the indirect taxes) or the rules made thereunder or in Chapter V of the Finance Act, 1994 (32 of 1994) shall have the meanings, resectively, assigned to them in the said Acts or the rules made thereunder;

(x) words and expressions used in this Act but not defined herein and defined in the Income-tax Act, the Wealh-tax Act, the Gift-tax Act, the Expenditure-tax Act, the Interest-tax Act or the Companies (Profits) Surtax Act (hereinafter referred to as the direct taxes) or the rules made thereunder shall have the meanings, respectively, assigned to them in the said acts or the rules made thereunder.

CHAPTER II

ESTABLISHMENT OF THE NATIONAL TAX TRIBNAL

3. Establishment of National Tax Tribunal.- The Central Government shall, by notification in the Official Gazette, establish with effect from such date as may be specified therein, a Tax Tribunal to be known as the National Tax Tribunal to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act.

4. Composition of Nationl Tax Tribunal.- The National Tax Tribunal shall consist of a Chairperson and such number of Members as the Central Government deems fit, to be appointed by that Government, by notification in the Official Gazette.

5. Constitution and jurisdiction of Benches.- (1) The jurisdiction of the National Tax Tribunal may be exercised by the Benches thereof to be constituted by the Chairperson.

(2) The Benches of the National Tax Tribunal shall ordinarily sits any place in the National Capital Territory of Delhi or such other places as the Central Government may, in consultation with the Chairperson, notify:

Provided that the Chairperson may for adequate reasons permit a Bench to hold its temporary sitting for a period not exeding fifteen days at a place other than its ordinary place of seat.

(3) The Central Government shall notify the areas in relation to which each Bench of the National Tax Tribunal may exercise its jurisdiction.

(4) The Central Government shall determine the number of Benches and each Bench shall consist of two members.

(5) The Central Government may in consultation with the Chairperson transfer a Member from headquarters of one Bench in one State to the headqurters of another Bench in another State or to the headquaters of any other Bench within a State.

6. Qualification for appointment of Chairperson and other Mebers.- (1) The Chairperson of the National Tax Tribunal shall be a person who has been a Judge of the Supreme Court or the Chief Justice of a High Court.

(2) A person shall not be qualified for appointed as Member unless he-

(a) is, or has been, or is eligible to be, a Judge of a High Court; or

(b) is, or has been, a Member of the Income-tax Appellate Tribunal or of the Customs, Excise and Service Tax ppellate Tribnal for at least seven years.

7. Appointment of Chairperson and other Members.- (1) Subject to the provisions of sub-section (2), the Chairperson and every other Member shall be appointed by the Central Government.

(2) The Chairperson and the other Members shall be appointed by the Central Government on the recommendations of a Selection Committee consisting of-

(a) the Chief Justice of India or a Judge of the Supreme Court nominated by him;

(b) the Secretary in the Ministry of Law and Justice (Department of Legal Affairs);

(c) the Secretary in the Ministry of Finance (Department of Revenue)

(3) No appointment of the Chairperson or of any other Member shall be invalidated merely by reason of any vacancy or any defect in the cnstitution of the Selection Committee.

8. Terms of office of Chairperson and other Members.- The Chairperson and every other Member shall hold office as such for a term of five from the date on which he enters upon his office but shall be eligible for re-appointment:

Provided that no Chairperson or other Member shall hold office as such after he has attained,-

(a) in the case of Chairperson, the age of sixty-eight years; and

(b) in the case of any other Member, the age of sixty-five years.

9. Resignation of Chairperson and other Members.- The Chairperson or any other Member may by notice in writing under his hand addressed to the Central Government, resign his office.

10. Salary and allowance.- (1) Subject to the provisions of this Act, the salary and allwances and other terms and conditions of the Chairperson shall be the same as applicable to a sitting judge of the Sureme Court, but no vacation shall be allowed;

Provided that if a person who, immediately before the date of assuming the office as the Chairperson was in receipt of or being eligible so to do, had elected to draw, a pension in respect of any previous service or office held by such person under the Governent of the Union or of a State, his salary in respect of service as Chairerson shall be reduced by the amount of that pension.

Explanation.- For the purposes of this sub-section, "vacation" shall have the meaning assigned to it in the Supreme Court Judges (Condition of Service) Act, 1958 (41 of 1958).

(2) A Member shall draw salary of a High Court judge and other allowances and the terms and conditions of his service shall be the same as applicable to a Secretary to the Government of India:

Provided that if a person who, immediately before the date of assuming the office as Member was in receipt f, or being eligible so to do, ad elected to draw, a pension in respect of any previous service held by such person in connection with the affairs of the Union or of a State, his salary in respect of service as Member shall be reduced to the extent of that pension.

(3) The salary and allowances and other terms and conditions of service of Chairperson or a Member of the Tribunal shall not be varied to his disadvantage after appointment.

11. Removal and susension of Chairperson and other Members.- (1) The Central Government may, in consultation with the Chief Justice of India, remove from office the Chairperson or any Member who-

(a) has been adjudged an insolvenent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such chairperson or Member of the National Tax Tribunal; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a Member of the National Tax Tribunal; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any other Member shall not be removed from his office except by an order made by the Central Government in the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairperson or Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may suspend from office the Chairperson or any other Member in respect of whom a reference of conducting an inquiry as been made to the Judge of the Supreme Court under sub-section (2) until the Central Government has passed orders on receipt of the report of the Judge of the Supreme Court on such reference.

(4) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson or a Member referred to in sub-section (2).

12. Officers and employees of National Tax Tribunal.- (1) The Central Government shall provide the National Tax Tribunal with such officers and employees as it may deem fit.

(2) The salaries and allowances and other conditions of service of officers and emloyees of the National Tax Tribunal shall be such s may be prescribed.

(3) The offiers and employees of the National Tax Tribunal shall discharge their functions under the general superintenence of the Cairperson.

(4) The officers and the other employees shall be appointed on the recommendations of a Selection Committe constituted by the Central Government.

13. Apearance before National Tax Tribunal.- (1) A party to an appeal other than Government may either appear in person or authorise one or more chartered accountants or legal practitioners or any person duly authorised by him or it to present his or its case before the National Tax Tribunal.

(2) The Government may authorise one or more legal practitioners or any of its officers to present its case before the National Tax Tribunal.

Explanation.- For the purposes of this section,-

(a) "chartered accoutant" means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Acountants Act, 1949 (38 of 1949) and who has obtanied a certificate of practice under sub-section (1) of section 6 of that Act;

(b) "legal practitioner" means an advocate, a valki or any attorney of any High Court, and includes a pleader in practice.

14. Member to act as Chairperson or to discharge his functions in certain circumstances.- (1) In the event of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Central overnment may designate the seniormost Member to act as the Chairperson until the day on which a Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may authorise the senior-most ember to discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

(3) The senior-most member desigated to act under sub-section (1) or to discharge functions of the Chairperson under sub-section (2), of the Chairperson shall continue to draw salary and allowances of a Member.

CHAPTER III

JURISDICTION, POWERS AND FUNCTIONS OF NATIONAL TAX TRIBUNAL

15. Appeal to National Tax Tribunal.- (1) An appeal shall lie to the National Tax Tribunal from every order passed in appeal by the Income-tax Appellate Tribunal and the Customs, Excise and Service Tax appellate Tribunal, if the National Tax Tribunal is satisfied that the case involves a substantial question of law.

(2) The Chief Commissioner or the Commissioner of Income-tax or the Chief Commissioner or Commissioner of Customs and Central Excise, as the case may be, or an assessee aggrived by any order passed by the Income-tax Appellate Tribunal or any person aggrieved by any order passed by the Customs, Excise and Service Tax Appellate Tribunal (hereinafter referred to as aggrieved person), may file an appeal to the National Tax Tribunal and such appeal under this sub-section shall-

(a) be filed within one hundred and twenty days from the date on which the rder appealed against is received by the assesee or the aggrieved person or the Chief Commissioner or Commissioner, as the case may be;

(b) be in the form of a memorandum of appeal precisely stating therein the substantial question of law involved; and

(c) be accompanied by such fees as may be prescribed:

Provided that separate form of memorandum of appeal shall be filed for matters involving direct and indirect taxes:

Provided further that the National Tax Tribunal may entertain the appeal within sixty days after the expiry of the said period of one hundred and twenty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal in time.

(3) Where an appeal is admitted under sub-section (1), the National Tax Tribunal.-

(a) shall formulate the question of law for hearing the appeal; and

(b) may also determine any relevant issue n connction with the question so formulated-

(i) which has not been so determined by the Income-tax Appellate Tribunal or by the Customs, Excise and Service Tax Appellate Tribunal or

(ii) which has been wrongly determined by the ncome-tax Appellate Tribunal or by the Customs, Excise and Service Tax Appellate Tribunal, and shall decide the question of law so formulated and the other relevant issue so determined and deliver such judgement thereon containing the grounds on which such decision is founded and may award such cost as it deems fit.

(4) Where in any appeal under this section, the decision of the income-tax Appellate Tribunal or the Customs, Excise and Service Tax Appellate Tribunal involves the payment of any tax or duties, the assessee or the aggrived person, as the case may be, shall not e allowed to prefer such appeal unless he deposits at least wenty-five per cent. of such tax or duty payable on the basis of the order appealed against:

Provided that where in a particular case the National Tax Tribunal is of the opinion that the deposit of tax or duty under this sub-section would case undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the interest of revenue.

16. Procedure and powers of National Tax Tribunal.- (1) The National Tax Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.

(2) Subject to the other provisions of this Act, the National Tax Tribunal shall have powers to regulate its own procedure.

(3) The National Tax Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:-

(a) requiring the discovery and production of books of account and other documents;

(b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) requisitioning any public record or document or a copy of such record or document, from any office;

(c) dismissing an appeal for default or deciding it, ex parte;

(d) seitting aside any order of dismissal of any appeal for default or any order passed by it, ex parte;

(e) rectifying any mistake or error apparent on the face of record; and

(f) any other matter which may be prescribed.

(4) All proceedings before the National Tax Tribunal shall be deemed to be judicial procedings within the meaning of sections 193 and 228 and for the purposes of section 196 (45 of 1860) of the Indian Penal Code and the National tax Tribunal shall be deemed to be a civil curt for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. (2 of 1974)

17. Finality of orders of National Tax Tribunal.- Any order passed by the National Tax Tribunal shall be final and shall be given effect to accordingly and no civil court shall have or be entitled to exercise any jurisdiction, powers or authority with respect to any of the matters falling within the jurisdiction of the National Tax Tribunal.

18. Decision by majority.- If the Members of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson, who shall hear the point or points himself or nominate any other Member for such hearing and such points or points shall be decided according to the opinion of the majority, who have heard the case including those who first heard it.

19. Special Bench.- Where a judgement pronouced on a qestion of law by a Bench subsequently comes up for hearing before any Bench, and the later Bench is of the opinion that the question of law requires reconsideration, then the letter Bench shall make a reference to the Chairperson to constitute a Special Bench consisting of five Members to hear and decide such question of law.

20. Interim order.- Notwithstanding anything contained in any other provisions of this Act or any ther law for the time being in force, no interim order (whether by way of injunction or stay or otherwise) shall be made in relation to any appeal under this Act, unless-

(a) copies of such appeal and all documents on support of the plea for such interim order are furnished to the party against whom the appeal is preferred; and

(b) opportunity is given to such party to be heard in the matter.

21. Power to punish for contempt.- The National Tax Tribunal shall have and exercise the same jurisidiction, powers and authority in respect of contempt of itself as the High Court as and may exercise such power or authority, for this purpose under the provisions of the Contempt of Courts Act, 1971, (70 of 1971) which shall have effect subject to the modification that-

(a) any reference therein to a High Court shall be constructed as including a reference to the Ntional Tax Tribunal;

(b) any reference to the advocate General in section 15 of the said Act shall be construed as a reference to such aw officer as the Central Government may specify in this behalf:

Provided that such matters shall be heard by a Special Bench consisting of five Members constituted by the Chairperson.

22. Order of National Tax Tribunal.- The National Tax Tribunal may, after giving the parties to an proceedings before it, an opportunity of being heard, pass such orders thereon as it thinks fit.

23. Transfer of pending cases from High Court- (1) On and from such date as the Central Government may, by notification, specify, all matters and proceedings including appeals and references under the direct taxes and indirect taxes pending before any High Court immediately before that date shall stand transferred to the National Tax Tribunal.

(2) Where any matter or proceeing including appeas and references stand transferred from the High Court to the National Tax Tribunal under sub-section (1),

(a) the High Court shall, as soon as may be after such transfer, forward the records pertaining to such matter or proceding to the National Tax Tribunal;

(b) the National Tax Tribunal shall, on receipt of such records, roceed to deal with such matter or proceeding from the stage at which it is transfered or from an earlier stage or de novo as it may deem fit;

(c) the Chairperson shall constitute a Bench consisting of such nuber of Members as he deems fit for hearing cases transferred under this section.

24. Appeal to Supreme Court.- Any person including any department of the Government aggrieved by any decision or order of the National tax Tribunal may file an appal o the Supreme Court within sixty days from the date of communication of the decision or order of the National Tax Tribunal to him;

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within such time as it may deem fit.

CHAPTER IV
MISCELANEOUS

25. Members, etc., to be public servants.- The Chairperson, Members and other officers and emloyees of the National Tax Tribunal shall be deemed to be public servants within the meaning of section 21 (45 of 1860) of the Indian penal Code.

26. Protection of action taken in good faith.- No suit, prosecution or other lega proceedings shall lie against the National Tax Tribunal or its Chairperson, Member, officer or other employee in the discharge of any function for any loss or damage caused or likely to be caused by any act which is, in good faith, done or intended to be done in the discharge of any function under this Act.

27. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two ears from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

28. Power to make rules.- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the procedure under sub-section (4) of section 11 of the investigation of charges of misbehaviour or incapacity against the Chairperson or other Members;

(b) the salaries and allowances and other conditions of service of officers and other employees of the National Tax Tribunal under sub-section (2) of section 12;

(c) the amount of fees payable under clause (c) of sub-section (2) of section 15;

(d) the other matters in respect of which the National Tax Tribunal may exercise the powers of a civil court under clause (f) of sub-section (3) of section 16;

(e) any other matter which may be rescribed or in respect of which rules are required to be made by the Central Government.

29. Laying of rules before Parliament.- Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House f Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions foresaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything reviously done under that rule.

30. Consequential amendments.- On and from such date as the Central Government may, by notification, specify, the enactments mentioned in the Schedule shall stand amended in the manner specified therein.

THE SCHEDULE
(See section 30)
AMENDMENT OF CERTAIN ENACTMENTS
PART I
AMENDMENTS TO THE INCOME-TAX ACT, 1961
(43 OF 1961)

1. In section 2, after clause (29C), the following clause shall be inserted, namely:-

'(29D) "National Tax Tribunal" means the National Tax Tribunal established under section 3 of the National Tax Tribunal Act, 2005;'.

2. In Chapter XX,-

(i) in section 254, in sub-section (4) for the words, figures and letter "Save as provided in section 256 or section 260A", the words and figures "Save as provided in the National Tax Tribunal Act, 2005" shall be substituted;

(ii) sub-heading "C.- Reference to High Court" and section 256, 258 and 259 shall be omitted;

(iii) for section 260, the following section shall be substituted, namely:-

"260. Effect to the decisions of Supreme Court and of the National Tax Tribunal.- (1) The Supreme Court upon hearing any reference made to it by the Appellate Tribunal under section 257 shall decide the question of law raised therein, and shall deliver its judgement thereon containing the grounds on which such decision is founded, and a copy of the judgement shall be sent under the seal of the Court and the signature of the Registrar to the Appellate Tribunal which shall pass such orders as are necessary to dispose of the case conforming to such judgement.

(2) Where the National Tax Tribunal delivers a judgement in an appeal filed fore it or in any matter transferred to it under the National Tax Tribunal Act, 2005, effect shall be given to the order of that Tribunal by the assesing officer on the basis of certified copy of the judgement.

(3) The cost of any reference to the Supreme Court which shall not include the fee for making the reference shall be at the discretion of the Court.";

(iv) in section 260A, in sub-section (1), after the words "order passed in appeal by the Appellate Tribunal", the words "befre the date of establishment of the National Tax Tribunal" shall be inserted;

(v) in section 261, after the words "any judgement of the High Court deliverd", the words "before the establishment of the National Tax Tribunal" shall be inserted;

(vi) in section 263, in sub-section (3), after the words "the Appellate Tribunal,", the words "National Tax Tribunal," shall be inserted;

(vii) in section 264, in sub-section (7) after the words "the Appellate Tribunal,", the words "National Tax Tribunal," shal be inserted.

PART II

AMENDMENTS TO THE WEALTH-TAX ACT, 1957

(27 OF 1957)

1. In section 2, after clause (Ic), the following clause shall be inserted, namely:-

'(Id) "National Tax Tribunal" means the National Tax Tribunal established under section 3 of the National Tax Tribunal Act, 2005;'.

2. In section 25, in sub-section (4), after the words "Appellate Tribunal," the words "National Tax Tribunal" shall be inserted.

3. In section 27A,-

(i) in sub-section (1), after the words and figures "file on or after the 1st day of October, 1998", the words "but before the date of establishment of the National Tax Tribunal" shall be inserted;

(ii) in sub-section (2), after the words "An appeal shall lie to the High Court", the words "before the date of establishment of the National Tax Tribunal" shall be inserted.

4. In section 29, in sub-section (1), after the words "any judgement of the High Court delivered", the words "before the date of establishment of the Ntional Tax Tribunal" shall be inserted.

5. In section 29A, after the words "referred to the Supreme Court", the words and figures "under this Act before the commencement of the National Tax Tribunal Act, 2005" shall be inserted.

PART III

AMENDMENTS TO THE EXPENDITURE-TAX ACT, 1987

(35 OF 1987)

1. In section 13, in sub-section (4), for the words "or any order of a High Court", the words "or any order of the National Tax Tribunal or of a High Court" shall be substituted.

2. In section 21, in sub-section (7), after the words "Appellate Tribunal,", the words "the National Tax Tribunal," shall be inserted.

PART IV

AMENDMENTS TO THE INTEREST-TAX ACT, 1974

(45 OF 1974)

1. In section 19, in sub-section (3), after the words "the Appellate Tribunal", the words "the National Tax Tribunal" shall be inserted.

2. In section 20, in sub-section (7), for the words "Appellate Tribunal, the High Court or the Supreme Court", the words "Appellate Tribunal, the National Tax Tribunal, the High Court or the Supreme Court" shall be substituted.

PART V

AMENDMENT TO THE FINANCE (No. 2) ACT, 1998

(21 OF 1998)

In section 76, in sub-section (1), the words, figures, letter and brackets "sections 23, 23A, 24,25, 28 and 29 of the Wealth-tax Act as amended and section 27A as inserted by the Finance (No.2) Act, 1998", the words, figures and letter "sections 23, 23A, 24 and 25 of the Wealth-tax Act" shall be substituted.

PART VI

AMENDMENTS TO THE CUSTOMS ACT, 1962

(52 OF 1962)

1. In section 2, after clause (30), the following clause shal be inserted, namely:-

'(30A) "National Tax Tribunal" means the National Tax Tribunal established under section 3 of the National Tax Tribunal Act, 2005,".

2. In section 27, in sub-section (3), after the words "Appellate Tribunal", the words "the National Tax Tribunal" shall be inserted.

3. In section 27A, in the Explanation, after the words "Appellate Tribunal", the words "National Tax Tribunal" shall be inserted.

4. In section 28AA, in Explanations 1 and 2, after the words "Appellate Tribunal", the words "National Tax Tribunal" shall be inserted.

5. In section 28AB, in Explanations 1 and 2, after the words "Appellate Tribunal", the words, "National Tax Tribunal" shall be inserted.

6. In section 28B, in sub-section (1), after the words "Appellate Tribunal", the words, "National Tax Tribunal" shall be inserted.

7. Sections 130,130A, 130B, 130C nd 130D shall be omitted.

8. In section 130E, in clause (b), after the words "any order passed", the words "before the establishment of the National Tax Tribunal" shall be inserted.

9. In section 131, after the words "an appeal has been preferred to the Supreme Court", the words and figure "under this Act before the commencement of the National Tax Tribunal Act, 2005" shall be inserted.

10. In section 131C, clause (b) shall be omitted.

PART VII

AMENDMENTS TO THE CENTRAL EXCISE ACT, 1944

(1 OF 1944)

1. In section 2, after clause (f), the following clause shall be inserted, namely:-

'(ff) "National Tax Tribunal" means the National Tax Tribunal established under section 3 of the National Tax Tribunal Act, 2005;'.

2. In section 11AA, in Explanations 1 and 2, after the words "Appellate Tibunal", the words, "National Tax Tribunal" shall be inserted.

3. In section 11AB, in Explanations 1 and 2, after the words "Appellate Tribunal", the words, "National Tax Tribunal" shall be inserted.

4. In section 11BB, in the Explanation, after the words "Appellate Tribunal", the words, "National Tax Tribunal" shall be inserted.

5. In section 35C, in sub-section (4), for the words, figures and letters "Save as provided in section 35G or section 35L", the words and figures "Save as provided in the National Tax Tribunal Act, 2005" shall be substituted.

6. Sections 35G, 35H, 35-I and 35J shall be omitted.

7. In section 35K,-

(i) in sub-section (1), the words "High Court or the" shall be omitted;

(ii) in sub-section (2),-

(a) the words "the High Court or" occurring at both the places shall be omitted;

(b) the words "as the case may be," shall be omitted.

8. In section 35L, in clause (b), after the words "any order passed", the words "before the establishment of the National Tax Tribunal" shall be inserted.

9. In section 35N, after the words "an appeal has been preferred to the Supreme Court", the words and figures "under this Act before the commencement of the National Tax Tribunal Act, 2005" shall be inserted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 34

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 15 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ಮಾರ್ಚ್ 2006

2005ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 21ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The State Emblem of India (Prohibition of Improper Use) Act, 2005 (No.50 of 2005) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE STATE EMBLEM OF INDIA (PROHIBITION OF IMPROPER USE) ACT, 2005

AN

ACT

to prohibit the improper use of State Emblem of India for professional and commercial purposes and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title, extent, application and commencement.- (1) This Act may be called the State Emblem of India (Prohibition of Improper Use) Act, 2005.

(2) It extends to the whole of India, and also applies to citizens of India outside India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "competent authority" means any authority competent under any law for the time being in force to register any company, firm, other body of persons or any trade mark or design or to grant a patent;

(b) "emblem" means the State Emblem of India as described and specified in the Schedule to be used as an official seal of the Government.

3. Prohibition of improper use of emblem.- Notwithstanding anything contained in any other law for the time being in force, no person shall use the emblem or any colourable imitation thereof in any manner which tends to create an impression that it relates to the Government or that it is an official document of the Central Government or, as the ase may be, the State Government, without the previous permission of the Central Government or of such officer of that Government as may be authorised by it in this behalf.

Explanation.- For the purposes of this section, "person" includes a former functionary of the Central Government or the State Governments.

4. Prohibition of use of emblem for wrongful gain.- No person shall use the emblem for the purpose of any trade, business, calling or profession or in the title of any patent, or in any trade mark or design, except in such cases and under such coditions as may be prescribed.

5. Prohibition of registration of certain companies, etc.- (1) Notwithstanding anything contained in any other law fr the time being in force, no competent authority shall,-

(a) register a trade mark or design which bears the emblem, or

(b) grants a patent in respect of an invention which bears a title containing the emblem.

(2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof the competent authorit shall refer the question to the Central Government and the decision of the Central Government thereon shall be final.

6. General powers of Central Government to regulate use of emblem.- (1) The Central Government may make such provision by rules as appears to it to be necessary, to regulate the use of the emblem in official seal that is used in offices of the Central Government and the State Governments and their organisations including diplomatic missions abroad subject to such resrictions and conditions as may be prescribed.

(2) Subject to the provisions of this Act, the Central Government shall have powers-

(a) to notify the use of emblem on stationery, the method of printing or embossing it on demi-official stationery by the constitutional authorities, Ministers, Members of Parliament, Members f Legislative Assemblies, officers of the Central Government and the State Governments;

(b) to specify the design of the official seal consisting of the emblem;

(c) to restrict the display of emblem on vehicles of constitutional authorities, foreign dignitaries, Ministers of the Central Government and the State Governments;

(d) to provide for guidelines for display of emblem on public buildings in India, the diplomatic missions and on the buildings occupied by India's consulates abroad;

(e) to specify conditions for the use of emblem for various other purposes including the use for educational purposes and the armed forces personnel;

(f) to do all such things (including the specification of design of the emblem and its use in the manner whatsoever) as the Central Government considers necessary or expedient for the exercise of the foregoing powers.

7. Penalty.- (1) Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or if having been previously convicted of an offence under this section, is again convicted of any such offence, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

(2) Any person who contravenes the provisions of section 4 for any wrongful gain shall be punishable for such offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

8. Previous sanction for prosecution.- No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

9. Savings.- Nothing in this Act shall exempt any person from any suit or other proceedings which might be brought against him under any other law for the time being in force.

10. Act to have overriding effect.- The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or instrument having effect by virtue of such enactment.

11. Power to make rules.- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) cases and conditions regulating the use of emblem under section 4;

(b) making rules to regulate the use of the emblem in official seal of the Government and specifying restrictions nd conditions relating thereto under sub-section (1) of section 6;

(c) the use of emblem on stationery, design of official seal consisting of emblem and other matters under sub-section (2) of section 6;

(d) authorising officer by general or special order for giving previous sanction for instituting prosecution under section 8; and

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annul ment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 2(b)]

STATE EMBLEM OF INDIA

DESCRIPTION AND DESIGN

The State Emblem of India is an adaptation from the sarnath Lion Capital of Asoka which is preserved in the Sarnath Museum. The Lion Capital has four lions mounted back to back on a circular abacus. The frieze of the abacus is adorned with sculpture in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening Dharma Chakras. The abacus rests on a bell-shaped lotus.

The profile of the Lion Capital showing three lions mounted on the abacus with a Dharma Chakra in the centre, a bull on the right and a galloping horse on the left, and outlines of Dharma Chakras on the extreme right and left has been adopted as the State Emblem of India. The bell-shaped lotus has been omitted.

The motto "Satyameva Jayate"-Truth a lone triumphs-written in Devanagari script below the profile of the Lion Capital is part of the State Emblem of India.

The State Emblem of India shall conform to the design as set out in Appendix I or Appendix II.

APPENDIX I



Note.- This design is in simplified form and meant for reproduction in small sizes, such as for use in stationery, seals and die-printing.

APPENDIX II



Note.- This design is more detailed and meant for reproduction in bigger sizes.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

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ಪಿ.ಆರ್. 35

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.